

14-13C. Emergency TROs (1200 TN 350 14-13C)

AUTHORITY. Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), including Sections 106 and 107, to refer requests for emergency Temporary Restraining Orders to the Department of Justice and to the appropriate United States Attorney.

TO WHOM DELEGATED. Deputy Regional Administrator.

LIMITATIONS.

- a. The delegatee must obtain the advance concurrence of the Regional Counsel (RC) on the legal sufficiency of the referral before exercising this authority. The RC may waive concurrence in writing.
- b. The delegatee must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA/OECA) and the Assistant Administrator for the Office of Land and Emergency Management (AA/OLEM) before exercising this authority. The AA/OECA may waive the requirement for notification in writing.
- c. The AA/OECA must notify the appropriate Regional Administrator and the AA/OLEM before exercising this authority.

REDELEGATION AUTHORITY.

- a. This authority may be redelegated to on-scene coordinators, and no further. This authority may not be redelegated without formal amendment.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. For referral of other civil actions under CERCLA, see the Chapter 14 Delegation entitled "Civil Judicial Enforcement Actions."

SUPERSESSON. Delegations Manual, CERCLA, Regional Delegation 14-13C. Emergency TROs, 1200 TN RIII 195 (April 27, 2017).

Date: APR 15 2019


Cosmo Servidio
Regional Administrator